

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, SEPTEMBER 18TH, 2007, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Wayne Angell, Chairman
 Charles Wagner, Vice-Chairman
 Leland Mitchell
 David Hurt
 Charles Poindexter
 Russ Johnson
 Hubert Quinn

OTHERS PRESENT: Richard E. Huff, II, County Administrator
 Christopher L. Whitlow, Asst. County Administrator
 Larry V. Moore, Asst. County Administrator
 B. J. Jefferson, County Attorney
 Sharon K. Tudor, CMC, Clerk

Chairman Wayne Angell called the meeting to order.

Invocation was given by Supervisor Charles Wagner.

Pledge of Allegiance was led by Supervisor David Hurt.

PUBLIC COMMENT:
Wesley Matthews, Citizen, expressed his opposition to the Old Chapel Road Dumpster Site the County had currently purchased. Mr. Matthews expressed that the Old Chapel Road site was not fitting due to the high traffic volume going by the site and that he did not understand why the Board did not purchase the land across the street for less money.

CONSENT AGENDA
APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – AUGUST 21ST, & 28TH, 2007

SML 2007 WINE FESTIVAL PERMIT
The Smith Mountain Lake Chamber of Commerce is requesting Board approval for their Special Entertainment Permit/2007 Wine Festival set for ***Saturday, September 29th & Sunday, September 30th, 2007.*** In the past, the Board has granted approval for the completed application with the submitted fee of \$100.00 per County Code Section 3-83.

With all of the required County departments signing off on the proposed Special Entertainment Permit, the application is in order and Vicki Gardner, Executive Director, SML Chamber, has submitted a copy of a Certificate of Liability Insurance naming Franklin County as the certificate holder for \$1,000,000.

RECOMMENDATION:
Staff respectfully requests Board approval on the proposed Special Entertainment Application submitted for Smith Mountain Lake Chamber of Commerce 2007 Wine Festival.

MOUNTAIN VIEW VILLAGE SUBDIVISION WATER SYSTEM TRANSFER
Chapter 22 of the County Code requires the developer of a new water system that meets all required standards of Chapter 22, obtain approval of the design and its construction by the Public Works Department, obtain plan approval under chapters 19 and 25 of the Franklin County Code, and offer such new system at no cost to the County of Franklin for dedication and ownership.

Mountain View Village Subdivision, a commercial development representing nine (9) lots located on Route 122, was approved August 16, 2006 by Franklin County Planning and Community Development Department. Cornerstone Surveying staked out the water line and it was installed by Falwell, Incorporated. The water line has been connected to the County system, inspected, pressure tested and bacteria samples taken. It passed all testing and now the developer is offering it to the County of Franklin.

RECOMMENDATION:
Staff recommends the submitted agreement be accepted as prepared and the Board of Supervisors authorize the County Administrator to accept the Mountain View Village into the

County's water system. This agreement has been reviewed by staff and Jim Jefferson, legal counsel. Verification of right of way has been completed by Cornerstone Land Surveying, Inc.

THE FRANKLIN CENTER CAREER INITIATIVE GRANT APPLICATION

Nationally, there is a growing demand to fill positions in the health care field, which includes nurses, radiologists, pharmacy technicians, and other Allied Health/Biomedical professionals. Regionally, all allied health professionals can secure employment in area hospitals, doctors' offices and long term care facilities.

The Commonwealth of Virginia and the County of Franklin are experiencing significant growth in the construction trades sectors, Information Technology, Business Leadership, and EMT/Fire/Rescue Certifications. Along with these rapid industry expansions, consumer expectations for quality and the demand for work-ready employees have created a niche for labor skill development and employment opportunities for local citizens. A skilled workforce will play a critical in supporting the successes and continued expansions in the areas of plumbing, electricity, welding, and construction.

The proposed initiative targets unemployed and underemployed individuals who can increase their standard of living and employability through retraining opportunities.

The Franklin Center-Virginia Workforce Center proposes to make application to the Virginia Tobacco Indemnification and Revitalization Commission to support a cooperative training project that involves two components. They are described as follows:

- 1) The identified need for developmental classes in the areas of Pre-GED and GED math, basic computers and writing skills will be addressed from the Franklin County Public Schools Adult Education Program. In addition, many candidates are in need of prerequisites in Algebra and Biology. Assessments to identify learning disabilities need to be administered to those students who may not have been identified during their public school careers.
- 2) The Franklin Center-Virginia Workforce Center, along with partners Franklin County Public Schools Adult Education, Patrick Henry Community College, and Virginia Western Community College propose to market to the community and offer 100 scholarships for developmental and prerequisite courses and 100 scholarships for programs in Allied Health and other demand occupations as outlined above. Access to the Allied Health scholarships is based upon acceptance to an appropriate program at Virginia Western Community College or Patrick Henry Community College. These programs will include, but not be limited to, Nursing, Radiology, Dental Hygienist, Pharmacy Technology, Biotechnology, Medical Coding, Surgical Technology, and Dental Technology. Each scholarship will provide students with tuition, books and miscellaneous expenses for their chosen program of studies.

The funds required for this grant component includes a total requested amount of \$340,943 and the partners are prepared to demonstrate a local in-kind/cash match of \$94,000.00 through existing equipment, instruction, facilities use, and scholarship funding .

RECOMMENDATION:

The Franklin Center-Virginia Workforce Center requests approval from the Franklin County Board of Supervisors to make application and request funds in the amount of \$340,943 from the Virginia Tobacco Indemnification and Community Revitalization Commission to support the training initiatives in adult education (literacy, Pre-GED, GED), allied health, construction trades, Information Technology, Business Leadership, and EMT/Fire/Rescue that will provide for instruction, assessments, scholarships, and equipment.

AUTHORIZATION FOR LIVE FIRE EXPOSITION AT WAID RECREATION AREA

The Franklin County Longbeards, and the National Wild Turkey Federation host the JAKES (Junior Acquiring Knowledge Ethics and Sportsmanship) annually at Waid Recreation Park. This is the 8th year for the event. With over 300 area youth in attendance in 2006, it has gained in popularity and was nationally recognized by the National Wild Turkey Federation as the best event in the nation for its size.

Designed for children 7 through 17, skills in the range of GPS, animal identification, archery, blackpowder safety, and shooting will be taught by adult volunteers and experts in the field.

The organizers of the 8th Annual JAKES event request permission to conduct live firing of black powder (muzzle loading) and 20 gauge shotgun shooting. This portion of the JAKES event will be limited to youth ages 11 to 17 years old only. Each youth will have the opportunity to shoot

one round from each shot gun at a still target. Eye and hearing protection will be required and provided. The adult supervision will be “one on one” and will be overseen by SGT Erik Mollin, Chief of Police for the Town of Rocky Mount. SGT Mollin is highly qualified in the use of firearms handling and safety.

The National Wild Turkey Federation also carries its own insurance for this event. Staff has worked closely with this group as they have grown this event. Staff considers this a hugely successful and worthwhile program for the youth of Franklin County. The organizers and instructors are always professional and have the best interest in the safety of the children in mind.

RECOMMENDATION:

Staff respectfully recommends approval of this request for a live fire policy exception.

BLUE RIDGE MOUNTAIN GARDEN TRACTOR PULL PERMIT

Franklin County and the surrounding Blue Ridge Foothills region have a rich history in agriculture and industry. A unique and growing sport in the agriculture world is Garden Tractor Pulling. These events feature garden tractors that are modified to pull enormous weights similar to tractor pulls.

The Blue Ridge Mountain Garden Tractor Pullers Association exists to host and support events of this type. Their garden tractor pull continues to be an exciting addition to the Southwest Virginia Antique and Power Festival. Over 500 people attended their displays at the Power Festival this past year. The Blue Ridge Mountain Garden Tractor Pullers Association hosted the First Virginia State Garden Tractor pull in September 2006 at the Recreation Park. This event was well attended and well staffed by volunteers. The Association is requesting permission to host the 2007 State Championship event at the Recreation Park on October 13, 2007.

The committee was pleased with the event and the pull facility at Franklin County Recreation Park. This state level event draws “pullers” from throughout the Commonwealth thus increasing tourism expenditures in our community.

The Pullers Association estimates there will be approximately 200 to 300 participants at the 2007 State championship event. Over 300 spectators are expected to attend as well.

The committee has already contacted the appropriate agencies under the guidelines of the Special Entertainment Permit and has approval from all agencies. Staff has worked closely with this group as they have grown this event. They are recipients of the 2007 – 2008 Tourism Micro Grant program.

RECOMMENDATION:

Staff recommends the Board approve the issuance of a Special Entertainment Permit to the Blue Ridge Mountain Garden Tractor Pullers Association to host the 2006 Virginia State Garden Tractor Pull at Franklin County Recreation Park on October 13, 2007.

NATIONAL BUSINESS WOMEN’S WEEK

PROCLAMATION

FOR NATIONAL BUSINESS WOMEN’S WEEK

- WHEREAS**

working women in Franklin County have worked diligently to increase the status of business and professional women and have been effective locally, statewide, and nationally in promoting a spirit of cooperation through personal development civic participation; and
- WHEREAS**

prominent in the group of jobholders are the many business and professional women who plan an increasingly vigorous and meaningful role in our community; and
- WHEREAS**

these women are well known to all of us for the way in which they fulfill their multiple roles in society – as workers, as community leaders, as wives and mothers, and as friends; and
- WHEREAS**

in tribute to their devotion and good citizenship as well as to their professional and business achievements, the National Federation of

Business and Professional Women’s Clubs, the oldest and largest professional organization for women, annually observes a week of activities;

NOW, THEREFORE BE IT RESOLVED, by the County of Franklin to publicly proclaim October 15th thru October 19th, 2007 as

NATIONAL BUSINESS WOMEN’S WEEK

PARKS & RECREATION TRUCK PURCHASE

Franklin County continues to make progress on the development of the Franklin County Parks and Recreation System. Thanks to the Board of Supervisors vision to see the park system grow to meet the needs of the residents of Franklin County. The need has developed with the growth of the Parks and Recreation Department to hire a new maintenance worker II (Jesse Bowles). With this turf and sports field management position, comes a need for the purchase of a small 4 wheel drive pickup to pull a small trailer with mowing equipment on and off road. The purchase of this vehicle would fulfill the necessary need at this time.

The Type of vehicle requested would meet the demands of both off road and on road necessities to fulfill turf and sports field projects the department is currently undertaking.

RECOMMENDATION:

Staff requests the Board to approve the purchase of a used, 4 wheel drive pickup for the Parks and Recreation Department. The method of purchase will be thru State Contract for used vehicles OR at vehicle auction. Purchase price of this vehicle is not to exceed \$10,000. The funding would come from the 2007/2008 budget which has been designated for Department Equipment.

SNOW CREEK VOLUNTEER FIRE DEPARTMENT ENGINE BID AWARD

In FY 06-07 the Board of Supervisors allocated CIP funding for the purchase of a new fire engine for the Snow Creek Volunteer Fire Department. On 7/24/2007 the Board of Supervisors authorized Public Safety to advertise for bids for the vehicle. On 8/24/2007, the bid process was completed.

Specifications for the vehicle were finalized by the Snow Creek Fire Dept. Chief and Public Safety staff. The vehicle specifications are in compliance with NFPA standards. The bid process was completed on 8/24/2007 and there were 3 bids received from 6 companies that requested bid packets. Of the bids received, Slagle Fire and Equipment submitted the lowest bid for the base vehicle, that being \$320,805.00. Funds to cover the purchase of the vehicle are available in the CIP budget.

COUNTY OF FRANKLIN VEHICLE BID LIST; 8/24/2007 DEPT: PUBLIC SAFETY			
BIDDER	PRICE		VEHICLE TYPE
Singer & Associates	\$342,140.00		Custom chassis, NFPA compliant fire engine as specified
Ferrara/Vest Sales	\$349,626.00		Custom chassis, NFPA compliant fire engine as specified
KME Slagles	\$320,805.00		Custom chassis, NFPA compliant fire engine as specified
MW Fire Apparatus			Declined to bid.

RECOMMENDATION:

Staff recommends that the Board of Supervisors accept the proposed bid by KME Slagles in the bid amount of \$320,805.00.

40 WEST CHURCH STREET PARKING LOT UPGRADE

At its June 21, 2005 meeting the Board of Supervisors voted to grant a twenty (20) foot utility easement in order to provide sewer and storm drainage to property (tax parcel #207-588) which adjoins County owned property near the Farmer’s Market area in Rocky Mount, Virginia.

This easement was granted based on the fact that:

1. There are already existing sewer lines (which serve the South side of West Church Street) crossing the property and;
2. The County received approximately .292 acres as part of this agreement, with anticipation that when utility work commenced the County will realize an increased parking area with adequate storm drainage system.

The County owned (gravel) parking lot has no storm water structures in place at all. During even moderate rainfall events, gravel erodes onto the adjoining Farmer’s Market lot and has to be regularly cleaned up. The gravel lot is not in compliance with the Town of Rocky Mount Parking Ordinance and must be addressed eventually.

Parking needs in this area continue to increase and with minimal grading the County can realize an increase of up to fourteen (14) additional parking spaces.

While plans for the development of this adjoining property are not finalized, the Town of Rocky Mount has decided to proceed with extending sewer and storm drainage to the property boundary. They have authorized Paul R. Shively, Inc. to proceed with this work as soon as his schedule allows.

In order to facilitate this work, it is desirable to install at least one “drop inlet” to serve the County owned lot, clear and grade the .292 acre lot and install an 8” gravel base for additional parking.

RECOMMENDATION:

Staff respectfully requests Board approval to allow the Director of Facilities to work with the Town of Rocky Mount and to negotiate with Paul R. Shively, Inc. for the purpose of installing the necessary storm water facilities, grading and 8” gravel base. Funds for this work are available in account number 3000-025-0066-7026 (Developmental Center Upgrades). Paving of the area will need to be addressed in the Spring of 2008.

2007 RABIES CLINIC

In an effort to control the spread of the rabies virus, Franklin County in conjunction with local veterinarians and staff, previously sponsored a yearly rabies vaccination clinic to benefit citizens who ordinarily may not have an opportunity to obtain vaccinations for their pets. Traditionally the clinic is held in the fall prior to hunting season. The clinic, if approved, will be held in various locations throughout the county on October 13, 2007.

Sponsorship of a rabies vaccination clinic for pets in Franklin County will reduce the potential spread of the virus. The Code of Virginia relating to Animal Laws requires that two conditions be met before a canine or feline can be vaccinated outside the controlled environment of a certified veterinary facility. First, approval must be granted by the local health department. Second, the local governing body must declare the holding of such a clinic is for the health, safety, and welfare of the citizens to reduce the potential threat of rabies transmission in the area.

Once approved by the Board of Supervisors, staff will secure authorization from the local health department to conduct the clinic.

The clinic will only be available to Franklin County and Rocky Mount residents. A \$5.00 fee per vaccination has traditionally been charged to the owner to offset the associated expense in conducting the clinic.

Fees for dog licenses sold at the authorized locations will remain unchanged from that charged at the Franklin County Treasurer’s Office.

Estimated costs and revenues generated from the rabies clinic held in 2006 were as follows:

Costs associated with two (2) veterinarians:	\$3,190.07
*(This amount reflects the cost of the rabies vaccine, syringes, mileage, and 50% of the revenue generated from providing 475 vaccinations.)	
Six (6) assistants, three (3) per veterinarian @ \$100.00 each.	\$600.00
*(Assistants issue rabies receipt and collect fees for vaccination)	
<hr/>	
Total cost:	\$3,790.00
Revenue received: (475 vaccinations @ \$5.00 each)	\$2,375.00

RECOMMENDATION:

Staff respectfully recommends and requests the Board of Supervisors declare the holding of this County Rabies Clinic is for the health, safety, and welfare of the citizens to reduce the potential threat of rabies transmission in the area and authorize the County Rabies Clinic to be held on October 13, 2006.

The fee for vaccination is requested to remain unchanged at \$5.00 per animal. The date, times, and locations of the clinic will be published in local newspapers for a minimum of five (5) editions. Flyers will also be distributed in various places throughout the county.

**FRANKLIN COUNTY
RABIES CLINICS AND DOG TAGS
PUBLIC NOTICE**

Rabies clinics will be held in Franklin County at the following locations listed below. These clinics are for the convenience of dog and cat owners. The cost for vaccination of each animal is \$5.00. This is a three year vaccine for those pets who have had a rabies vaccination before or a 1 year vaccination if they have never had a rabies vaccination. Each animal owner is asked to check his/her old vaccination certificate to determine whether it has expired.

A certificate of vaccination must be presented to the Treasurer’s Office to purchase dog tags in order to comply with the law. A license tax of ten dollars (\$10.00) per unaltered dog is hereby imposed. A license tax of four dollars (\$4.00) per altered (spayed/neutered) animal is hereby imposed. The license tax for a kennel shall be fifteen dollars (\$15.00). **NOTE: TO QUALIFY A FEMALE DOG FOR THE SPAYED/ALTERED RATE, THE OWNER MUST PROVIDE DOCUMENTATION FROM A VETERINARIAN, AT TIME OF PURCHASE, THAT THE ANIMAL HAS HAD THE PROCEDURE PERFORMED.**

Please note:
(*) Effective July 1, 2007, state law requires Veterinarians to notify the Treasurer of every dog that receives a rabies vaccination.
() Beginning October 15th, 2007, tags may be purchased at the County Treasurer’s Office, Public Safety Office and appointed veterinarians offices.**

SATURDAY, OCTOBER 13TH, 2007

Snow Creek – Overstreet Store.....	9:00 – 9:15 A.M.
M. T. Mitchell Store.....	9:25 – 9:45 A.M.
Crossroads Ruritan Club.....	10:00 – 10:30 A.M.
*Callaway Elementary School....	10:45 – 11:05 A.M.
County Office Building.....	11:20 – 11:30 A.M.
Penhook – Blair’s Grocery.....	.9:00 – 9:15 A.M.
Glade Hill Store.....	.9:25 – 9:45 A.M.
Scruggs Fire & Rescue.....	10:00 – 10:30 A.M.
Burnt Chimney Fire Department.....	10:45 – 11:50 A.M.
Boones Mill Fire Department.....	11:20 – 11:30 A.M.

(*) Note: New location in the Callaway community.

(RESOLUTION #01-09-2007)
BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented above.
MOTION BY: Charles Wagner
SECONDED BY: Hubert Quinn
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

TREASURER MONTHLY REPORT

Lynda Messenger, Treasurer, presented her monthly report as follows:

Ms. Messenger, Treasurer, advised the Board the 2007 tax tickets will be mailed out the last week of September. Ms. Messenger stated the following on the assessment: The real estate assessment is \$26,684,937.02 with an increase of \$1,207,609.54 from last year. The number of tax tickets for 2007 is 39,445 and last year it was 37,915. That is an increase of 1530 for the real estate only. The personal property assessment for 2007 is \$9,376,888.12 with an increase of \$173,438.84 from 2006. The amount of tax tickets for this year is 34,429 with an increase of 705 from last year.

Ms. Messenger stated she thought it might be interesting to see how much the assessment has increased in the last 5 years. The 2002 real estate assessment for real estate was

\$17,207,379.43 which means there is an increase of \$9,477,557.59 from the original assessment with a total of 3251 more tax tickets issued. The 2002 personal property tax assessment was \$7,025,561.46 which reflects a \$2,351,326.66 increase in the assessments for the 5 year period and a total of 3026 more tax tickets for personal property in the 5 year period. The total increase for both is \$11,828,884.25 in 5 years and a total increase of 6277 tickets.

Ms. Messenger stated her office has been sending out collections letters, issuing tax liens and doing DMV holds for the past 3 months to collect delinquent taxes. Ms. Messenger advised the Board her office has collected \$34,895.02 with collection letters, \$14,438.49 with DMV holds and \$113,308.54 with tax liens. One of the tax liens was for over \$10,000.00 and another one was for over \$22,000.00.

(RESOLUTION #02-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Treasurer's monthly report.

MOTION BY: Charles Wagner

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

VDOT – WINDTREE SUBDIVISION & THE RESERVE

Tony Handy, Resident Administrator, VDOT, presented the Board with the following resolutions for their consideration:

Windtree Subdivision – Leighs Court (Route 1474)

RESOLUTION

WHEREAS, the street(s) described on the submitted Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Franklin County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the submitted Additions Form SR-5(A) to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

In the County of Franklin

By resolution of the governing body adopted September 18, 2007

The following VDOT Form AM-4.3 is hereby submitted and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):

Report of Changes in the Secondary System of State Highways

Project/Subdivision **Windtree**

Type Change to the Secondary System of State Highways: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: **New subdivision street**

Pursuant to Code of Virginia Statute: **§33.1-229**

Street Name and/or Route Number

► **Leighs Court, State Route Number 1474**

Old Route Number: 0

- From: Rt. 1470-Windtree Drive
To: Cul de Sac, a distance of: 0.06 miles.
Recordation Reference: DB 412, pg 1400
Right of Way width (feet) = 50 feet

The Reserve – Brown's Point Drive (Route 1273)
Parford Lane – (Route 1274)
Reserve Road – (Route 1275)

WHEREAS, the street(s) described on the submitted Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Franklin County, and

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BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

In the County of Franklin

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Project/Subdivision **The Reserve**

Type Change to the Secondary System of State Highways: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: **New subdivision street**
Pursuant to Code of Virginia Statute: **§33.1-229**

Street Name and/or Route Number

► **Brown's Point Drive, State Route Number 1273**

Old Route Number: 0

- From: Route 942, Bluewater Drive
To: Route 1274, Parford Lane, a distance of: 0.11 miles.
Recordation Reference: DB 912, PG 837
Right of Way width (feet) = 50 foot

► **Parford Lane, State Route Number 1274**

Old Route Number: 0

- From: Route 1273 Brown's Point Drive
To: Route 1275 Reserve Road, a distance of: 0.44 miles.
Recordation Reference: DB 912 PG 837

Right of Way width (feet) = 50 ft

► **Reserve Road, State Route Number 1275**

Old Route Number: 0

- From: Route 1274 Parford Lane
To: North to Cul de Sac, a distance of: 0.05 miles.
Recordation Reference: DB 912 PG 837
Right of Way width (feet) = 50 ft.

► **Reserve Road, State Route Number 1275**

Old Route Number: 0

- From: Route 1274 Parford Lane
To: South to Cul de Sac, a distance of: 0.04 miles.
Recordation Reference: DB 912 PG 837
Right of Way width (feet) = 50 ft.

(RESOLUTION #03-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned resolutions as presented for Windtree and The Reserve Subdivisions.

MOTION BY: Russ Johnson

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

COUNTYWIDE PLANT MIX RESOLUTION

RESOLUTION

WHEREAS, the Six-Year Secondary Road Construction Program was approved in conjunction with a Virginia Department of Transportation and the Franklin County Board of Supervisors public hearing held on December 20, 2001; and

WHEREAS, said approved Program required allocation of funding for countywide plant mix overlay under UPC 60451;

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates monies allocated to countywide plant mix overlay FY 02/03 – UPC 60451 be transferred to countywide plant mix overlay FY07/08 – UPC 87278 for the purpose of paving various routes in the 2008 plant mix schedule.

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Residency Administrator for the Virginia Department of Transportation.

(RESOLUTION #04-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the aforementioned resolution as presented.

MOTION BY: Charles Wagner

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

CLEMENTS MILL BRIDGE ROAD

David Hurt, Boone District Supervisor, asked Tony Handy, VDOT, District Administrator, if the meeting has been scheduled regarding the construction to the Clements Mill Bridge. Mr. Handy stated the meeting should take place by October. Mr. Handy advised the Board when the meeting is scheduled that he would notify them.

STEP, INC. ANNUAL UPDATE

John Morris, Executive Director, STEP, Inc. shared with the Board the following power point presentation regarding Step's annual report:



Annual Update

Franklin County Board of Supervisors

Mission Statement

To provide exceptional services to people seeking to improve their quality of life through community, economic, personal and family development.

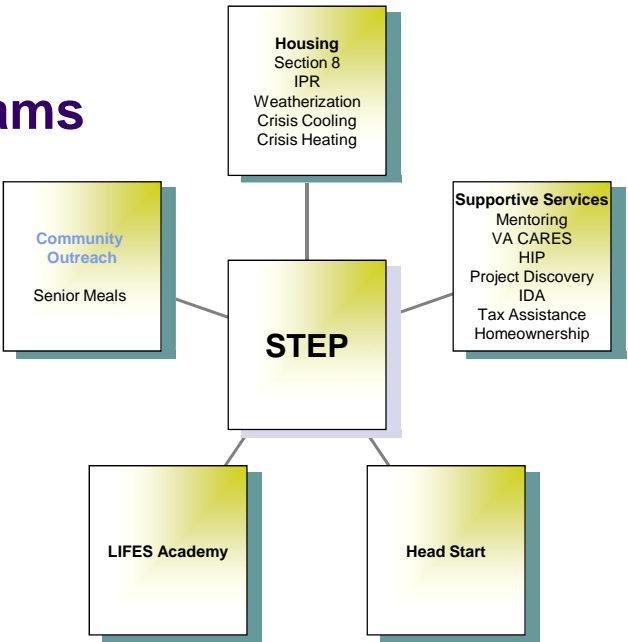


Agency Overview

- STEP was formed in 1966.
- Began serving Patrick County in 1986. We recently began providing services to Martinsville, Danville, Henry County and Pittsylvania County.
- STEP currently offers 20 programs.
- STEP serves more than 1,500 people annually.
- STEP has nearly 80 employees and more than 10 regular volunteers.



Programs



A Growing Agency



- Over the last three years, we've added 8 new programs.
- STEP has added nearly 20 staff positions and hundreds of volunteers.
- We have increased our budget by more than 31%.



Accomplishments over the year



- STEP was monitored by OCS and PRISM, receiving two exemplary reports.
- STEP received recognition from SERCAP for it's promotion of indoor plumbing services.
- STEP received an award for it's administration of Section 8.
- STEP was the highest non-profit agency giving money to the United Way.

Economic Impact



	Income/Benefit to Community	Local Economic Activity	Income to Franklin County
Business-to-Business Activity	\$247,011	\$356,576	\$34,730
Non-profit to Non-profit Activity	\$23,912	\$35,390	\$3,362
Client Services Impact	\$2,073,667	\$3,069,027	\$291,558
TOTAL	\$2,334,590	\$3,469,993	\$329,650



Employment Impact

STEP Employment	Direct Employee Income	Local Economic Activity	Income to Franklin County
Franklin County Residents	\$626,587	\$927,349	\$88,098
Patrick County Residents	\$208,250	\$15,410	\$1,464
Other Locality Residents	\$303,339	\$22,447	\$2,132
TOTAL	\$1,138,176	\$965,206	\$91,694



Savings to Franklin County

- STEP Mentoring services saved Franklin County \$24,599.
- LIFES Academy saved Franklin County \$127,438.
- VA CARES saved Franklin County an estimated \$125,000.



In the works

- Ferrum Elementary School renovation (with Ferrum College) .
- Expand Housing.
- Homeless assistance.



LAND TRANSFER AT COMMERCE PARK/MCAIRLAIDS

Scott Martin, Director of Commerce and Leisure Services, advised the Board McAirLaid's Incorporated is locating its production facility and North American Corporate headquarters in Franklin County at the Franklin County Commerce Center. A 300,000 square foot facility will be constructed in three phases. Employing 160 individuals at an average wage of \$33,000,

McAirlaids life sciences facility will ultimately invest over \$84 million in Franklin County. The Company anticipates moving into the new production facility in February 2008. McAirlaids is presently operating at the NewBold Facility in the Franklin County/Rocky Mount Industrial Park.

McAirlaids selected Franklin County as the site of this expansion due in part to the provision of 35 acres to the company as an incentive. The County agreed to deed the land to McAirlaids upon completion of the footers for Phase I of the project. The agreement for this is contained within the performance agreement signed by the County of Franklin, McAirlaids, and the Commonwealth of Virginia. The footers for Phase I have been poured thus successfully meeting the requirements of the performance agreement for land conveyance. McAirlaids and Franklin County are satisfied that the performance requirements have been met and both are now prepared to complete the land transaction.

As this disposal of public property for economic development requires a public hearing prior to action by the Board, the County is required to hold a public hearing to receive public comments regarding the conveyance. The County has completed the survey work and plat work necessary to accommodate this commitment by the County to McAirlaids.

RECOMMENDATION:

Authorize staff to advertise for a public hearing for the conveyance of roughly 35 acres of land at Franklin County Commerce Park to McAirlaids Incorporated subject to a new plat and all appropriate and proper legal requirements and prepared recording documents.

(RESOLUTION #05-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for a public hearing during the Board's October 23rd, 2007 meeting, for the conveyance of roughly 35 acres of land at the Franklin County Commerce Park to McAirlaids, Inc. subject to a new plat and all appropriate and proper legal requirements and prepared recording documents.

MOTION BY: David Hurt
 SECONDED BY: Charles Poindexter
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

RIDE SOLUTIONS PROGRAM

Jeremy Holmes, Program Director, RIDE Solutions stated he was the Transportation Alternatives Coordinator with the Roanoke Valley-Alleghany Regional Commission. Mr. Holmes stated on behalf of himself and the Regional Commission, he wanted to thank the Board for having him and for participating in the Commission's new Liaison program. Mr. Holmes advised the Board he was Franklin County's liaison and he would be attending these meetings and learning more about the issues facing Franklin County, both locally and regionally, and would make himself and the Regional Commission a resource for the leaders and citizens of Franklin County.

Mr. Holmes stated that the RIDE Solutions Program does not have a presence in the County as of yet, however, he was looking for local business involvement and any other opportunities which may be available.

WESTLAKE LIBRARY BRANCH PRESENTATION

David Bass, Library Director, introduced Bill Mitchell, Vice-Chairman, Library Board. Mr. Mitchell presented the following power point on the proposed Westlake Library Branch planning:

Franklin County Library

BRANCH FACILITY PLANNING



- Prime Location
- 6716 Sq. Ft.
- Lease
 - January 2008
 - Initial Five Years
 - \$48,691 / year
 - Years 6-10
 - \$77,234 / year
- Option Years 11-15
 - \$94,024 / year
- Option Years 16-20
 - \$107,456 / year



Westlake Town Center

Facility Design

- Circulation
- Meeting Room
- Children’s Area
 - Reading Area
 - Children’s PCs
- Adult Area
 - Reading Room
- Technology
 - Public .PCs
 - Multi-Media





Services of a Fully Functioning Branch

- **Well-rounded collection**
 - Adult Fiction (including popular and bestsellers)
 - Adult Nonfiction on a wide range of subjects
 - DVDs, audiobooks and music CDs
 - Magazines, newspapers and business journals
 - Books for preschoolers, juveniles, and young adults
 - Children's and young adult audiovisual materials
 - Children's and young adult magazines




Services (con't)

- **Computer & Technology Services**
 - In-house public computers for adults and children
 - Public access to MS Office 2007
 - Free Access to multiple online databases
 - Free wireless Internet access
 - Public access to CD and DVD burners and MP3 capability
 - e-audiobooks and e-books
- **Interlibrary Loan**
 - Access to library collections around the country



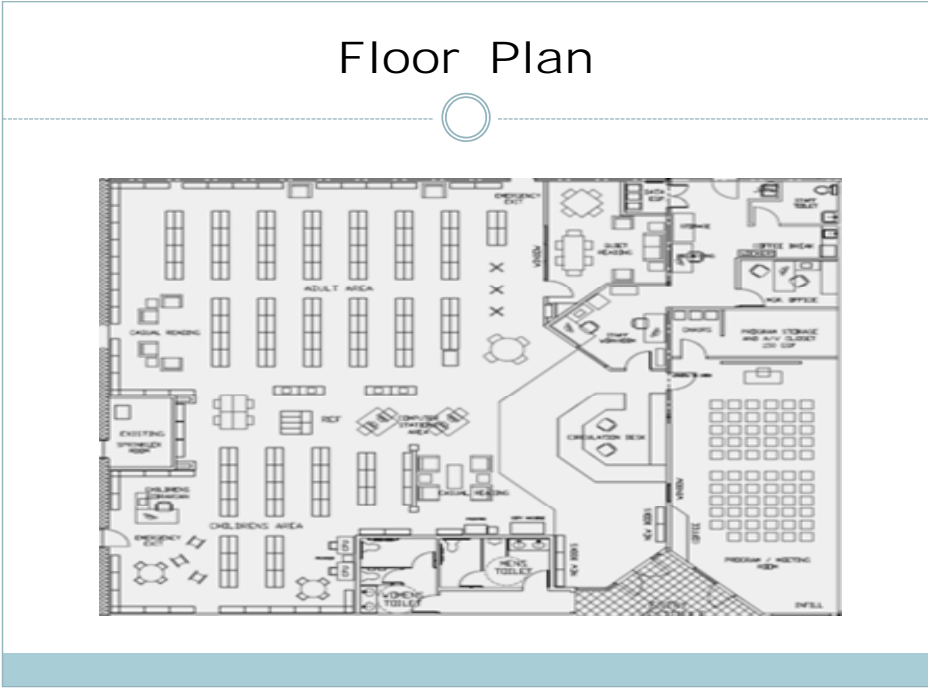
Services (con't)

- **Branch Delivery Service**
 - Exchange of materials between main library and branch
- **Meeting Room**
 - Available for non-profit educational, cultural, and civic groups in the community at no charge
 - Free in-house use of digital projector, TV and DVD player, and sound system
- **Display areas for quilts, paintings, collectibles and other artwork**



Services (con't)

- **Educational and Cultural Events**
 - **Story Hours** for preschoolers and toddlers
 - **Summer reading programs** for youngsters and teens
 - **Special events** for children and young adults
 - **Adult programs and lectures**
 - **Author readings**
 - **Free computer classes**
 - **Health screenings and health-related seminars**



Project Building & Equipping Costs	
Construction	Shelving, Stocking, & Technology
<ul style="list-style-type: none">• Envelope \$35,871 (est.) (<i>*provided by owner</i>)• Upfit \$159,964 (est.)<ul style="list-style-type: none">• Plumbing• Electrical• Framing• Casework• Floor Covering• Finishing	<ul style="list-style-type: none">• Shelving & Furnishings \$120,000 (est.)• Stocking (books, other) \$150,000 (\$15/item)• Technology \$60,000 (est.)
TOTAL COST(S) = \$525,835	

Project Staffing - Operations Cost																			
Assumptions	Estimated Annual Budget																		
<ul style="list-style-type: none">• <u>Operating Hours</u> Monday - Thursday 10am - 8 pm Friday - Saturday 10 am – 5 pm• <u>Staffing</u> 1- Branch Manager 1- Technical Librarian 6- Part Time Library Aides	<table><tr><td>Personnel</td><td>\$178,852</td></tr><tr><td>Lease</td><td>\$48,691</td></tr><tr><td>Utilities</td><td>\$10,000</td></tr><tr><td>Janitorial</td><td>\$10,000</td></tr><tr><td>Phone, Data</td><td></td></tr><tr><td>Copier, Supplies</td><td>\$6,500</td></tr><tr><td>Security</td><td>\$2,500</td></tr><tr><td>Insurance</td><td><u>\$1,000</u></td></tr><tr><td>TOTAL</td><td>\$257,543 / yr.</td></tr></table>	Personnel	\$178,852	Lease	\$48,691	Utilities	\$10,000	Janitorial	\$10,000	Phone, Data		Copier, Supplies	\$6,500	Security	\$2,500	Insurance	<u>\$1,000</u>	TOTAL	\$257,543 / yr.
Personnel	\$178,852																		
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Security	\$2,500																		
Insurance	<u>\$1,000</u>																		
TOTAL	\$257,543 / yr.																		

Project Revenue	
<ul style="list-style-type: none">• Currently Available:	
Branch Library Capital Account	\$130,000
Remaining from Library Furnishings	<u>\$7,612</u>
	\$137,612

Let's Get Started!	
<ul style="list-style-type: none">• This branch will provide an educational, cultural and leisure center for a large segment of the underserved County population.• The branch will increase the prestige of the County and improve the quality of life for residents.• Library Board, Friends, Branch Committee and Foundation recommend opening with a full-service facility.• Library Board is looking forward to working with the County to find ways to fund the project.• The Library Board requests that the County fully fund the branch project.• A joint committee of the Library Board, Board of Supervisors, and Library administration could be formed to examine costs and funding options.• A citizens' group has been formed to <i>supplement</i> the County's financial efforts.	

Chairman Angell stated he would be surprised if the Board could/would fund this request prior to early Spring due to the lack of revenue readily available for this project. Chairman Angell appointed Board of Supervisor members Russ Johnson and Charles Wagner to serve on a joint

library branch committee with representation to also include members from the Library Board and the Library Foundation Board.

Bonnie Johnson, shared with the Board a brief overview of the Franklin County Library Organizations as follows:

Library Board

Comprised of 7 members, one from each County district, who are appointed by their supervisors, the Library Board serves in an advisory capacity to the Board of Supervisors.

Friends of the Franklin County Public Library

A nonprofit organization, the Friends provide volunteer workers for special Library programs and engage in fund raising to help financially with Library programs, which are offered free of charge, and equipment that the Library budget does not cover.

The Franklin County Library Foundation

The Foundation has been established as an endowment with funds given to the Capital Campaign for the main library in Rocky Mount. The donor requested that the funds be dedicated to the establishment of an endowment.

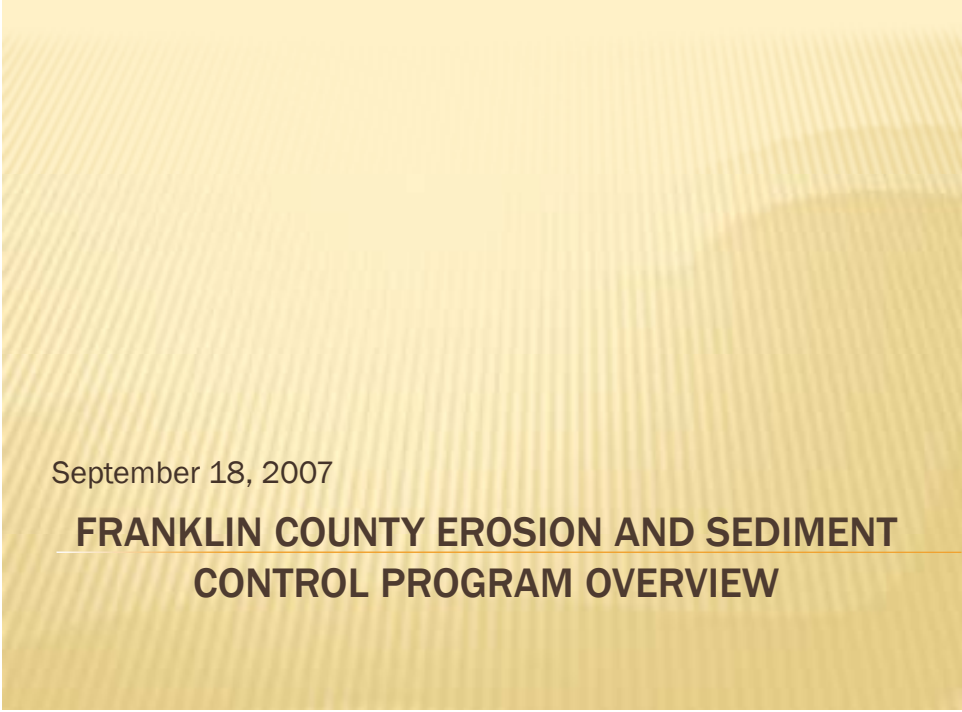
Westlake’s Branch Library Capital Campaign

This committee has been formed to address all of the needs of the new branch library -to make certain that the Library adequately serves the community and to raise whatever funds are necessary over and above what the Board of Supervisors dedicates to the core library.

The committee will report back to the Board on the Westlake Library Branch at a later date.

EROSION & SEDIMENTATION PROGRAM OVERVIEW

Steve Sandy, Acting Director, Planning and Community Development, presented the Board with the following power point presentation regarding the Erosion & Sedimentation Program:



ESC PROGRAM REQUIREMENTS

- ✘ State regulations adopted to provide for the effective control of soil erosion, sediment deposition and non agricultural runoff
- ✘ Local program administered by county, city or town
- ✘ State requires that local program have certified personnel (Program Administrator, Plan Reviewer & Inspector(s))

FRANKLIN COUNTY ESC PROGRAM

- ✘ Franklin County adopted local ordinance in 1998; updates in 2006
- ✘ Franklin County is more stringent than the state minimum requirement by requiring erosion and sediment control permit for land disturbing activities of 3000 SF in area or more (state min. = 10,000 SF)
- ✘ Comprehensive review of local program by VA DCR was conducted on December 13 & 14, 2004

FRANKLIN COUNTY ESC PROGRAM

- ✘ In 2004, local program was found to be inconsistent with state law. Several steps have been taken to bring program into compliance
 - + Increase the number of inspectors to increase number of inspection records (increase frequency of inspections) consistent with state law.
 - + Use building inspector's to help perform inspections on single-family homes.
 - + Revise ordinance
 - + Adopt an Alternative Inspection Program (AIP)

FRANKLIN COUNTY ESC PROGRAM

- ✘ Adopted amendments to local ordinance in 2006
- ✘ Currently waiting on State Soil and Water Conservation Board to approve Alternative Inspection Program (AIP). VA DCR staff have recommended approval of AIP and to upgrade County program status to “Consistent”.

FRANKLIN COUNTY ESC PROGRAM

- ✘ Franklin County now has the following personnel on staff assisting with local ESC program regulations:
 - + One (1) Program Administrator
 - + Two (2) certified Combined Administrators
 - + One (1) certified Plan Reviewer
 - + One (1) certified Inspector
 - + Seven (7) Inspectors (not yet completed certification)

ESC PROGRAM INSPECTION PROCESS

- ✘ Issue field correction notice with violations noted and required corrective action (checklist) (7 days)
- ✘ Correction letter with outstanding violations noted (7 days)
- ✘ Notice to comply (certified mail) give 10 days to implement corrective measures
- ✘ Issue stop work order (certified mail) requiring all work on site is stopped until corrective measures to be implemented. Max. 7 days.
- ✘ Impose civil or criminal penalties.

This current process can take up to 31 days.

FRANKLIN COUNTY ESC PROGRAM GOALS

- ✘ Improve program education for developers, builders, staff and citizens (SMLA course 9/19)
- ✘ Attain 100% certification for staff involved in program
- ✘ Amend ordinance
 - + remove shoreline protection regulations
 - + Clarify requirements for agricultural & forestal uses
 - + Improve language for sites within 200 feet of water body
 - + Revise enforcement process

General discussion ensued.

Mr. Sandy stated he would bring forth a draft policy for the Board's consideration.

SHERIFF'S DEPARTMENT PARTICIPATION IN COUNTY PAY PLAN/GRIEVANCE PROCEDURE

Richard E. Huff, II, County Administrator, stated in 1995, the Sheriff's Department employees were incorporated into the County Pay Plan with the Sheriff retaining the right to hire and fire appointees as provided for in § [15.2-1603](#) of the Code of Virginia,

§ [15.2-1603](#). Appointment of deputies; their powers; how removed.

The treasurer, the sheriff, the commissioner of the revenue, and the clerk of any circuit court may at the time he qualifies as provided in § [15.2-1522](#) or thereafter appoint one or more deputies, who may discharge any of the official duties of their principal during his continuance in office, unless it is some duty the performance of which by a deputy is expressly forbidden by law. The sheriff making an appointment of a deputy under the provisions of this section may review the record of the deputy as furnished by the Federal Bureau of Investigation prior to certification to the appropriate court as provided hereunder.

The sheriff may appoint as deputies medical and rehabilitation employees as are authorized by the State Compensation Board. Deputies appointed pursuant to this paragraph shall not be considered by the State Compensation Board in fixing the number of full-time or part-time deputies which may be appointed by the sheriff pursuant to § [15.2-1609.1](#).

*The officer making any such appointment shall certify the appointment to the court in the clerk's office of which the oath of the principal of such deputy is filed, and a record thereof shall be entered in the order book of such court. Any such deputy at the time his principal qualifies as provided in § [15.2-1522](#) or thereafter, and before entering upon the duties of his office, shall take and prescribe the oath now provided for in § [49-1](#). The oath shall be filed with the clerk of the court in whose office the oath of his principal is filed, and such clerk shall properly label and file all such oaths in his office for preservation. **Any such deputy may be removed from office by his principal.** The deputy may also be removed by the court as provided by § [24.2-230](#). (emphasis added).*

Mr. Huff stated as a result of that agreement, employees of the Sheriff's Department have received salary increases commensurate with other County employees and have not been subjected to fluctuations in State Compensation Board funding for staff since that time. Employees of the Sheriff's Department are evaluated under the County's Performance Evaluation System and positions are placed on the County's Pay Ranges based on an internal equity assessment as well as market based salary evaluations.

Current Sheriff's Department employees serve at the pleasure of the Sheriff. Virginia Code allows for Constitutional Officers to offer more job security to their employees through the provisions of a grievance procedure if done by agreement between the governing body and the Constitutional Officer as shown in § [2.2-3008](#). Employees of local constitutional officers.

§ 2.2-3008. Employees of local constitutional officers.

Constitutional officers shall not be required to provide a grievance procedure for their employees; however, such employees may be accepted in a local governing body's grievance procedure or personnel system if agreed to by the constitutional officer and the local governing body.

Due to the retirement of Sheriff W.Q. Overton, a new agreement will be needed upon the office being filled in January, 2008. The Board has indicated that it wishes to signal its desire to offer grievance procedure job security to Sheriff's Department employees prior to election of a new Sheriff. Such protection could be made a condition of ongoing pay plan participation along with agreement that all County Personnel Policies be followed by all participants in the County's Pay Plan, effective January 1, 2008.

This action will insure that all County wide hiring practices, leave policies, and other personnel policies are adhered to by those who benefit by virtue of inclusion in the County's Pay Plan.

An agreement will need to be drafted between the new Sheriff and the Board. In reviewing some drafts from other localities, the agreement could cover all employees of the Department except the Chief Deputy, who is frequently a political appointee.

RECOMMENDATION:

Staff recommends that the Board signal its intention that all participants in the County Pay Plan be required to fully follow all provisions of the County Personnel Manual including grievance procedures, leave policies, etc. effective January 1, 2008. If passed, staff would then begin drafting a proposed agreement for review at a later date.

General discussion ensued.

(RESOLUTION #06-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to prepare a proposed draft agreement for the Sheriff's Department to fully follow all provisions of the County Personnel Manual including the grievance procedure, leave policies, etc., effective January 1, 2008.

MOTION BY: Charles Wagner
SECONDED BY: Hubert Quinn
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Quinn & Angell
NAYS: Johnson

SNOW CREEK BALLFIELD TURF CARE

Richard E. Huff, II, County Administrator, stated the Franklin County Board of Supervisors acquired Snow Creek Recreational Ballfield in September 2007. The County's commitment is to maintain the site for general public recreation use, including drop-in use, team practice, and general public activities. Maintenance of the site is the responsibility of the County Department of Parks & Recreation. Department staff will take the lead on annual maintenance items such as seeding, fertilization, aeration, and major R&M. Staff reviewed the cost of providing regular turf care at the site by the Department and determined that contract maintenance for regular turf care would be in the best interest of the County from a financial standpoint.

Following adopted purchasing policies, the County sought bids in September 2007 for turf maintenance at Snow Creek Recreational Ballfield. Turf care at the site is broken into two distinct elements. The first is athletic field turf care in the level playing area (the ballfield proper). The second is slope turf maintenance for the non-playing areas including the steep slopes running along Snow Creek Road.

Staff received two bids that met the County requirements for turf care.

- | | |
|---|-------------------|
| 1. RC Lawn Care of Roanoke, Virginia | |
| a. Athletic Field Turf Cutting cut. | \$ 150.00 per |
| b. Non-Athletic Turf Cutting: cut. | \$ 112.50 per |
| 2. Custom Turf Care, LTD of Rocky Mount, Virginia | |
| a. Athletic Field Turf Cutting: | \$ 65.00 per cut. |
| b. Non-Athletic Turf Cutting: | \$ 65.50 per cut. |

RECOMMENDATION:

Staff recommends that the Board direct the County Administrator to award the Snow Creek Ball Park Turf Maintenance Contract to Custom Turf Care, LTD of Rocky Mount, Virginia for a period of one calendar year.

(RESOLUTION #07-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to award the Snow Creek Ball Park Turf Maintenance Contract to Custom Turf Care, LTD of Rocky Mount, Virginia for a period of one calendar year at a rate of \$65.00 per cut for the athletic and non-athletic turf cuttings.

MOTION BY: Leland Mitchell

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

OCTOBER BOARD PUBLIC HEARINGS

Richard E. Huff, II, County Administrator, stated due to the anticipated crowd for the scheduled public hearings in October the Planning Commission and the Board of Supervisor's will hold the public hearings at the Benjamin Franklin Middle School East Auditorium.

OTHER MATTERS BY SUPERVISORS

Russ Johnson, Gills Creek District Supervisor

- Political Campaign Signs – Mr. Johnson requested the Board to direct staff to bring back a draft sign ordinance addressing when and where political campaign signs could be placed and when they would have to be removed. Mr. Johnson stated Bedford County has a sign ordinance addressing this and staff could possibly develop a draft ordinance for Franklin County using this one as a guide. Mr. Steve Sandy, Acting Director, Planning and Community Development, shared with the Board the following draft language for political signs recently developed from his department:

Sec. 25-156.3 . Exempted signs, displays and devices.

(h) Political campaign or election signs located outside of public rights-of-way, provided such signs are not erected for more than one hundred twenty (120) days, each sign is not to exceed thirty-two (32) square feet, and are removed within fourteen (14) days after the campaign or election to which they pertain;

Mr. Johnson requested the Board to place on the October agenda "**Boat Ramps Ordinance**". The Board concurred.

APPOINTMENTS/INDUSTRIAL DEVELOPMENT AUTHORITY (OCTOBER ITEM)

- **BOONE DISTRICT/TERM EXPIRES 11/19/2007**
- **GILLS CREEK DISTRICT/TERM EXPIRES 11/19/2007**

CLOSED MEETING**(RESOLUTION #08-09-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-1, Personnel, a-3, Acquisition of Land of the Code of Virginia, as amended.

MOTION BY: Charles Poindexter

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

MOTION: Charles Wagner

SECOND: Hubert Quinn

RESOLUTION: #09-09-2007

MEETING DATE September 18th, 2007

WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were

identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn, & Angell

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

Chairman Angell recessed the meeting for dinner.

Chairman Angell called the meeting to order and recess for the previously advertised public hearing:

PUBLIC NOTICE

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M., on Tuesday, September 18th, 2007**, in the Meeting Room located in the Courthouse, Rocky Mount, Virginia to consider the adoption of an ordinance titled Purchase of Development Rights to the County Code as assigned by Municipal Code. (**State law reference B** Va. Code § 10.1-1700 et seq.)

The Board of Supervisors will consider the adoption of a Purchase of Development Rights Ordinance to:

- (1) Establish a program enabling the county to acquire conservation easements voluntarily offered by private land owners through gift, or purchase, to serve as one means of assuring that Franklin County's open space, agricultural production lands, and natural resources are protected and efficiently used;
- (2) Establish and preserve open-space, agricultural production, and the rural character of the county;
- (3) Preserve farm and forest land;
- (4) Conserve and protect water resources and environmentally sensitive lands, waters and other natural resources;
- (5) Conserve and protect biodiversity and wildlife and aquatic habitat;
- (6) Assist in shaping the character and direction of the development of the community;
- (7) Improve the quality of life for the inhabitants of the county; and
- (8) Promote recreation and tourism through the preservation of scenic and historical resources.

The PDR program shall be available for all qualifying lands in the county, except those lands under the ownership or control of the United States of America, the Commonwealth of Virginia, or an agency or instrumentality thereof. Any conservation easement acquired pursuant to this chapter shall be voluntarily offered by the owner.

Mr. Scott Martin, Director of Commerce and Leisure Services, advised the Board Franklin County has long been regarded as one of the Commonwealth's most productive counties with regards to forest and agricultural production. Likewise, the County is well renowned for the scenic character of rolling hills, sweeping ridge top views, and stunning Blue Ridge Mountain foothills and lead ridges. Changes in the farming community, economic pressures, suburban sprawl, and continued residential growth in the community are threatening to change Franklin County's landscape. As the landscape shifts from a pastoral setting to a more intensively developed footprint, the impact is felt in terms of reductions in water quality, costs for provision of governmental services, habitat fragmentation, reduced hunting, and sportsmen access, and increased storm flows on area rivers and streams.

Mr. Martin stated the Franklin County Board of Supervisors consistently supported initiatives aimed to protect and preserve agriculture, open spaces, and water quality through a variety of public policies including zoning, comprehensive planning, land use taxation, participation in the

Soil and Water District Conservation programs, and erosion and soil conservation efforts, WHIP, LIP, and other cooperative conservation initiatives.

Mr. Martin reiterated the Board engaged in dialogue beginning in 2003 to explore the potential of developing a Purchase of Developmental Rights Program whose aim would be to apply County funds to acquire the developmental rights from private landowners on a voluntary basis. PDR programs are expanding throughout the nation and Commonwealth as local governments seek to assist property owners preserve open space, agricultural lands, and water quality in the face of development pressure.

Mr. Martin shared with the Board a PDR program would permit the County to acquire the development rights from private landowners for their land in exchange for a fee. As a result, the land would be placed in an easement, perpetual, that would prevent the land from being developed beyond the scope of the deed restrictions placed by the easement itself. The County would not, and could not, acquire development rights except through the voluntary sale of said rights by the landowner. The landowner, in order to participate, must hold a clear title to the land with no encumbrances. The County, or its assigned easement holder, then shall bear the responsibility for ensuring that the conservation elements put in effect through the easement are met by the landowner.

In closing, Mr. Scott advised the Board Franklin County has set aside \$50,000 in local funds in the 2005 budget to begin a PDR program. The County applied for, and was subsequently awarded, a \$100,000 grant from the Virginia Outdoors Foundation to match the County's contribution to the proposed PDR program. These grants may only be accessed for open space conservation efforts aligned with an adopted PDR ordinance. One of the conditions of the grant is that they must be expended by July 2008. Staff is uncertain if an extension can be granted at this time.

Board member David Hurt presented a model PDR ordinance for the Board's review. The Board voted to hold a public hearing to review the draft ordinance and take citizen comments.

The PDR ordinance as written would provide the following:

- Appointment of a Five Member Citizen Board to Advise the Board on Conservation Initiatives and Easements Acquired through the PDR Program. An appraisal subcommittee shall operate under the Citizen Board oversight to ensure that appraisals meet and are consistent with appropriate appraisal guidelines and practices. The Commissioner of Revenue or their designee shall chair the subcommittee.
- Provide the administrative oversight and support of the program via the County Administrator and/or his designated staff member.
- Direct the Citizen Board to develop a ranking system for rating lands and making a transparent determination on the application of PDR funds. Lands shall be ranked according to the values listed within the ordinance that are: establishing open space and preserving the rural character of the landscape; preserving farm and forestal land, conserving and protecting water resources and quality; conserving and protecting biodiversity and wildlife/aquatic habitat.
- Ensure that this program only applies to private landowners who volunteer to participate.

\$150,000 in PDR funding is a very small amount. County staff recommends that the Board consider adopting a land prioritization policy that would guide the Citizen Board in application of these limited funds. To this end, staff recommends that the Board consider aligning the pilot PDR program with the Pigg River Watershed and Blackwater TMDL programs. These are existing programs that are aimed specifically at improving water quality in these two important rivers. The Pigg River program has the ability to seek further matching funds due to its connection with preserving and enhancing habitat for the Roanoke Logperch. The Blackwater River project may have the ability to dovetail with sedimentation and water quality elements of the Smith Mountain Lake Relicensing process.

These river bottomlands are some of the most productive farmland in the County and thus those "deserving" the most protection and conservation from a production standpoint. According to NRCS and Blue Ridge Soil and Water District staff, the health of these rivers is improving, but pressure is increasing as development continues to affect the rivers, water quality, and riparian character. By aligning the County's PDR program with these initiatives the County will join an

existing effort that seeks to preserve and improve water quality and wildlife habitat along two very dynamic and unique river systems.

Staff has evaluated the oversight and program administration elements of a PDR program and as a result entered into preliminary dialogue with The Ward Burton Wildlife Foundation to ascertain their willingness to support the initiative on a partnership basis. Those discussions, while preliminary in nature, are generally positive and the Foundation is interested in exploring the opportunity to collaborate with the County further should the PDR program move forward.

Should the Board choose to proceed with a PDR program, the following steps would be need to be taken by the Board:

- Fall/Winter 2007
Form PDR Committee that will include citizen appointments from the Board of Supervisors
- Winter/Spring 2007/8
Committee to develop application guidelines and specific scoring criteria for Board of Supervisor approval
- Spring/Summer 2008
Promote PDR program and accept applications for first round of funding
- Spring/Summer 2008
Score applications and recommend awards to Board of Supervisors for final approval
- Winter 2008
Purchase and recordation of easements
- Spring 2009
Final grant report to Virginia Outdoors Foundation, assessment of first round of funding, consideration of calling for second round of landowner applications (and/or reapplications from the first round) with additional funding from available local, state and federal sources

RECOMMENDATION:

Hold public hearing and receive comments on the PDR program. Direct staff on the pleasure of the Board for adoption of a PDR ordinance.

THE FOLLOWING COMMENTS WERE OFFERED:

Bill Brush, Moneta resident made comments on preserving open space and a PDR was one place to start. Mr. Brush stated he felt there could be different measures the Board could take before adopting a PDR Ordinance; making modifications to the zoning and subdivision ordinances such as clustering; relicensing for better accessing and recreation. Mr. Brush encouraged the Board to form a committee of residents to explore the possibilities before adopting the proposed broad ordinance for responsible growth and cost associated with development.

Jerry McGurry, Snow Creek District, felt this ordinance was about 50 to 75 year premature and could not see tax dollars should be spent in this fashion. Mr. McGurry felt there were far too many other funding needs in the County better justified than a PDR Ordinance.

Sarah Capps, Snow Creek District, expressed her endorsement for this PDR Ordinance. Ms. Capps felt it was an essential tool and a greater value to the citizens. Once farm land is developed it is permanently taken out of production. Without a doubt local funding is needed to make the program successful and it should be a priority. Ms. Capps stated that Franklin County has less than 3% of 11,000 acres is protected.

Carlton Hudson, Snow Creek District, stated he was for preserving of the land and still have land for development for homes. Mr. Hudson stated there is land in this east and west of the county that needs to be preserved. Mr. Hudson stated that the governor wanted at least 4,000 acres in preservation before he leaves office. Mr. Hudson was concerned about the loss revenue possibly for the preserved acres.

Jerry Slotnick, Boone District, stated Franklin County is a beautiful place to live. Unlike, New Jersey, today compared to 50 years ago you could not pay him enough to go back. Mr. Slotnick stated 15 years ago Westlake was beautiful fields and look at it now. Ms. Slotnick

Mrs. James Dinwiddie, stated that their property was in a development easement about a year and a half ago. Not one tree is left on property next door to their property (Lakewatch). Mrs. Dinwiddie stated she has lived here for 60 years and urged the Board to please think before approving further development.

Cline Brubaker, Callaway Dairy Farmer, stated this was a very challenging topic. On one hand we are all for preserving open space land, however, someone has to pay for it. Personally, as a farmer, he would have reservations entering into a contract and then later on no one would be able to get out of the contract down the road. A lot of vague information at this time and he felt the Board needed to clear up the program before he could support it.

Melvin Montgomery, stated he has mixed emotions. Mr. Montgomery stated the ordinance was very vague and it would not preserve farmland. The only way farmland was going to be preserved was to allow the farmer to remain on his farmland and make a living. Mr. Montgomery felt like clarification was needed prior to the Board adopting the PDR Ordinance.

David Hurt, Boone District, clarified the draft ordinance. He felt we did need to proceed with step by step with caution. It is not a magic bullet, however, it is one tool to achieve the goal of land preservation.

Leland Mitchell, Snow Creek District Supervisor, stated a PDR Ordinance is not a land preservation program. He felt like the County could be selling something (PDR Ordinance) with a tax consequence to the land owner. Mr. Mitchell stated the Board has not touched on how the County would pay for the program. Mr. Mitchell stated what type of process would the Board use in determining how certain land would be qualify for PDR program.

Charles Wagner, Rocky Mount District Supervisor, inquired as to where and how does the loss in revenue come from when a land owner places his/her land in the PDR Program.

Russ Johnson, Gills Creek District Supervisor, stated when you hear the words protect and preserve you think of public money and protect the citizens and open space. Mr. Johnson stated there were other things that he would prioritize over using purchasing development rights and others things that would fall below those priorities. This is an optional tool for the citizens to place their land in this program and the government should furnish a program for the citizens to use.

(RESOLUTION #10-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the draft PDR Ordinance as presented and to use the staff program guidelines and time table offered by staff summary as follows:

- Fall/Winter 2007
Form PDR Committee that will include citizen appointments from the Board of Supervisors
- Winter/Spring 2007/8
Committee to develop application guidelines and specific scoring criteria for Board of Supervisor approval
- Spring/Summer 2008
Promote PDR program and accept applications for first round of funding
- Spring/Summer 2008
Score applications and recommend awards to Board of Supervisors for final approval
- Winter 2008
Purchase and recordation of easements
- Spring 2009
Final grant report to Virginia Outdoors Foundation, assessment of first round of funding, consideration of calling for second round of landowner applications (and/or reapplications from the first round) with additional funding from available local, state and federal sources

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

AMENDED MOTION TO STRIKE 16.A- 8. ELIGIBILITY CRITERIA (I) SECTION/THE PARCEL MUST BE COMPLETELY UNENCUMBERED FROM THE PROPOSED PDR ORDINANCE AS SUBMITTED.

AMENDMENT BY: David Hurt

AMENDMENT SECONDED BY: NO SECOND

AMENDMENT WITHDRAWN: David Hurt

VOTING ON THE ORIGINAL MOTION WAS AS FOLLOWS:

AYES: Hurt, Poindexter, Johnson & Angell

NAYS: Mitchell, Wagner, Quinn

THE MOTION PASSES WITH A 4-3 VOTE.

(RESOLUTION #11-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt a resolution stating the program shall be considered as a pilot initiative with local funding support for this initiative shall

be limited to \$50,000 in local funds previously appropriated by the Board in the 2006 budget. No commitment of local budget support for this program by future Boards is contained within the adoption of the PDR ordinance.

MOTION BY: Charles Poindexter
SECONDED BY: Leland Mitchell
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Poindexter, Wagner, Quinn & Angell
NAYS: Johnson & Hurt

GREENBOX LEASE AGREEMENT/JERRY LUMSDEN

Richard E. Huff, II, County Administrator, shared with the Board at the request of the landowner, the green box site off Route 40 East was closed effective February 28, 2007. Customers were notified to utilize other sites such as Lloyd Hodges; Dick’s at 670/834; Doe Run at Route 713; and the County Landfill.

Concern has continued to be expressed that an alternate site needs to be found to replace the Redwood site. Many sites were visited and looked at including Routes 705, 655 and Ledbetter roads. Additionally, discussions were held with any landowner who may be willing to entertain a possible green box site. Many sites were ruled ineligible due to VDOT requirements. In many cases landowners simply were not interested.

Mr. Jerre Lumsden has agreed to discuss a potential site on Route 655 subject to rate negotiation, survey and agreed to site preparation.

RECOMMENDATION:

The recommended conditions for a ten (10) year lease are as follows:

- 1. Annual rent will be \$300 per month, increased annually by the CPI index each year through the term of the lease.
- 2. The County also agrees to adjust the first year annual amount to compensate for additional roll back taxes due the Lessee as a result of the property being removed from land use.
- 3. At the end of the initial ten (10) year lease period, Lessor will consider another ten (10) year term, with the rent continuing to be adjusted based on the annual CPI index.
- 4. Lessor agrees to grant Lessee the right of first refusal should Lessor decide to sell said property at any time during a lease period.
- 5. Location to be leased is approximately 1.5 acres.
- 6. VDOT advised the location will accommodate an entrance.
- 7. Site will accommodate ten (10) to (14) fourteen boxes and five (5) recycling boxes.
- 8. Lloyd Hodges site will be closed.
- 9. Site requires grading to bring lot up to grade. Land preparation and other expenses are estimated at \$30,000.00 to be covered by the County.

Staff recommendation is that the County Administrator be authorized to enter into a lease with Mr. Jerre Lumsden for an amount to be determined by the Board. Lease to be drafted by legal counsel. Funds are available in the Landfill CIP budget to cover all necessary expenses.

NOTE: This request is subject to approval of a special use permit.

<u>Year</u>	<u>Monthly Rent</u>	<u>Increase</u>		<u>Total +</u> <u>CPI</u>	<u>Annual</u>
		<u>Annually of</u>			
		<u>CPI index</u> (assuming CPI = 3%)			
1				\$300.00	\$3,600.00
2	\$300.00	x	103%	\$309.00	\$3,708.00
3	\$309.00	x	103%	\$318.27	\$3,819.24
4	\$318.27	x	103%	\$327.81	\$3,933.72

5	\$327.81	x	103%	\$337.65	\$4,051.80
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*End of 5 Year
Lease

6	\$337.65	x	103%	\$347.78	\$4,173.36
7	\$347.78	x	103%	\$358.21	\$4,298.52
8	\$358.21	x	103%	\$368.96	\$4,427.52
9	\$368.96	x	103%	\$380.03	\$4,560.36
10	\$380.03	x	103%	\$391.43	\$4,697.16

Lease originally for:	\$3,600.00 annually for the first (5) five years \$4,200.00 annually for the second (5) five years
Proposed for:	\$4,051.80 at the end of first (5) five years \$4,697.16 at the end of second (5) five years

(RESOLUTION #12-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned dumpster site lease as presented.

MOTION BY: Charles Poindexter
SECONDED BY: David Hurt
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Quinn & Angell
NAYS: Johnson
ABSENT: Wagner

THE MOTION PASSES WITH A 5-1-0-1 VOTE.

Chairman Angell adjourned the meeting.

W. WAYNE ANGELL
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR